



Albuquerque-Santa Fe Federal Executive Board
Shared Neutrals Program

WHAT IS MEDIATION?

*Mediation may be thought of as “assisted negotiation.”
Negotiation may be thought of as “communications for agreement.”
Hence, mediation is “assisted communications for agreement.”*

Central to mediation is the concept of **“informed consent.”** So long as participants understand the nature of a contemplated mediation process and effectively consent to participate in the described process, virtually any mediation process is possible and appropriate.

Key Qualities of the Mediation Process

Voluntary – You can leave at any time for any reason, or no reason.

Collaborative – You are encouraged to work together to solve your dispute and to reach what you perceive to be your best agreement.

Controlled – You have complete decision-making power and a veto over each and every provision of any mediated agreement. Nothing can be imposed on you.

Confidential – Besides limited legal requirements to report certain kinds of information, mediation is a confidential process. Mediators may not directly or indirectly disclose information communicated to them by a party during mediation to anyone who is not a party to the mediation. Additionally, a mediator may not disclose information communicated in confidence by a party to the other party without permission. This confidentiality is critical to the mediation process and mediators will not willingly testify about anything they hear in the course of a mediation and will contest subpoenas or orders seeking to require their appearance or testimony in subsequent proceedings. After the conclusion of the mediation, mediators retain no files relating to the mediation and are required to destroy any notes they take during the mediation session.

Informed – The mediator has an obligation to assure that all parties understand the nature of the process, the procedures, the particular role of the mediator and the relationship of the parties to the mediator.

Impartial, Neutral, Balanced and Safe – The mediator has an equal and balanced responsibility to assist each mediating party and cannot favor the interests of any one

party over another, nor should the mediator favor a particular result in the mediation. Your mediator is ethically obligated to acknowledge any substantive bias on substantive issues in discussion. The mediator's role is to ensure that parties reach agreements in a voluntarily and informed manner, and not as a result of coercion or intimidation.

Self-Responsible and Satisfying – Based upon having actively resolved your own conflict, participant satisfaction, likelihood of compliance and self-esteem are found by research to be dramatically elevated through mediation.